



UNITED STATES DISTRICT COURT

for the

Northern District of Georgia



Division

Traycee L. Fox

Case No.

1:22-CV-2652

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Stone Point Capital, LLC. dba PRISMHR, Gary Noke,
Michelle, Lanter Smith, Kim Murray, Katie Miller,
Alanna Farinella, Web Hill, Krista Turner

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Traycee L. Fox
Street Address	1988 Nuthatch Drive
City and County	Hoschton
State and Zip Code	Georgia, 30548
Telephone Number	773-330-6800
E-mail Address	Ahnatr1@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Stone Point Capital, LLC dba PRISMHR EPAY SYSTEMS
Job or Title <i>(if known)</i>	
Street Address	35 Parkwood Drive
City and County	Hopkinton
State and Zip Code	Massachusetts, 01748
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	Kmurray@prismhr.com KBolin@stonepoint.com

Defendant No. 2

Name	Gary Noke
Job or Title <i>(if known)</i>	President and CEO
Street Address	35 Parkwood Drive
City and County	Hopkinton
State and Zip Code	Massachusetts, 01748
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	GNoke@prismhr.com

Defendant No. 3

Name	Michelle Lanter Smith
Job or Title <i>(if known)</i>	VP HCM
Street Address	1701 Golf Road Building 1 Ste. 1250
City and County	Rolling Meadows
State and Zip Code	Illinois 60008
Telephone Number	(773) 499-7512
E-mail Address <i>(if known)</i>	MLSmith@prismhr.com

Defendant No. 4

Name	Web Hill
Job or Title <i>(if known)</i>	Director of Payroll
Street Address	1701 Golf Road Building 1 ste. 1250
City and County	Rolling Meadows
State and Zip Code	Illinois 60008
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	WHill@prismhr.com

Defendant No. 1

Name	Alanna Farinella
Job or Title <i>(if known)</i>	Payroll Manager
Street Address	1701 Golf Road Building 1 ste. 1250
City and County	Rolling Meadows
State and Zip Code	Illinois, 60008
Telephone Number	(773) 831-3146
E-mail Address <i>(if known)</i>	afarinella@prismhr.com

Defendant No. 2

Name	Krista Turner
Job or Title <i>(if known)</i>	VP of HCM
Street Address	35 Parkwood Drive
City and County	Hopkinton
State and Zip Code	Massachusetts, 01748
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	kturner@prismhr.com

Defendant No. 3

Name	Kim Murray
Job or Title <i>(if known)</i>	VP of Human Resources
Street Address	35 Parkwood Drive
City and County	Hopkinton
State and Zip Code	Massachusetts, 01748
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	Kmurray@Prismhr.com

Defendant No. 4

Name	Katie Miller
Job or Title <i>(if known)</i>	Human Resource Business Partner
Street Address	35 Parkwood Drive
City and County	Hopkinton
State and Zip Code	Massachusetts, 01748
Telephone Number	(508) 747-7261
E-mail Address <i>(if known)</i>	kmiller@prismhr.com

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	PRISMHR/EPAY SYSTEMS
Street Address	1701 Golf Road Bulding 1 Ste. 1250
City and County	Rolling Meadows
State and Zip Code	IL 60008
Telephone Number	(773) 499-7512

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):

Title VII Whistleblowers ACT 740 ILCS 174/1 et seq.



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: Changed my shedule, Poor performance review exclusions

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
March 2021 thru March 2022

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☒ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

1. Plaintiff, Traycee Fox, African American woman, reported to K Turner, G Noke, K Murray, A Farinella, W Hill, and K Miller that fees continued to be taken from client's employees unlawfully. 2. Plaintiff was told to process garnishments while social security numbers did not align with correct employee by K Turner. When Plaintiff refused, 3. Plaintiff was demoted by W Hill and A Farinella from position as Garnishment manager and replaced by a white woman with less credentials paying her a hire salary than Plaintiff. Plaintiff was excluded from all office activities (Office Picnic) Michelle Later Smith, and meetings A Farinella. Plaintiff was placed on a 30 day Performance Improvement Plan after given a "Poor Performance Review" after 2 years of Positive reviews and Plaintiffs sheduled was changed by W Hill and Alanna Farinella. Plaintiff's High profiled client's were taken away. White employee's were not

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*
April or May of 2021

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 07/04/2022

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff suffered damages through loss of salary and other economic entitlements. Also Plaintiff suffered from a toxic environment, embarrassment, and humiliation in front of co-workers, stress, exclusion from meetings related to Plaintiff's duties, diminished responsibilities and work duties as Garnishment Manager, alienation and harassment from defendants, HR failed to protect Plaintiff as stated in the company policy K Murray, KMiller, unfair treatment continued after addressing concerns about what Plaintiff believed to be malfeasance, racial comments from leadership, and threats of termination. Plaintiff was forced to work more hours 2021, as a result, in 2022, Illinois Department of Labor penalized PRISMHR for non-compliance in labor laws. As Plaintiff, Traycee L. Fox, prays this Court enter a judgment in her favor against Defendant, Stone Capital, LLC, dba PRISMHR and award her compensatory damages in excess of \$100,000; and Punitive damages of \$500,000.00

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/03/2022

Signature of Plaintiff

Printed Name of Plaintiff Traycee L. Fox

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street,
Chicago, Illinois, 60604
(800) 669-4000
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

To: Mrs. Traycee Fox
1988 Nuthatch Drive
Hoschton, GA 30548

Charge No: 440-2021-03135

EEOC Representative and email:

Marina Ravelo
Investigator
marina.ravelo@eeoc.gov

DISMISSAL OF CHARGE

The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 440-2021-03135.

On Behalf of the Commission:

Digitally Signed By: Julianne Bowman

4/11/2022

Julianne Bowman
District Director

Cc: PRISMHR EPAY

Please retain this notice for your records.

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

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IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

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ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 440-2021-03135 to the District Director at Julianne Bowman, 230 S Dearborn Street Chicago, IL 60604. You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

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Julianne Bowman
District Director

Cc: PRISMHR EPAY

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**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street,
Chicago, Illinois, 60604
(800) 669-4000
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

To: Mrs. Traycee Fox
1988 Nuthatch Drive
Hoschton, GA 30548

Charge No: 440-2021-03135

EEOC Representative and email:

Marina Ravelo
Investigator
marina.ravelo@eeoc.gov

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The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

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**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 440-2021-03135 to the District Director at Julianne Bowman, 230 S Dearborn Street Chicago, IL 60604. You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to: <https://www.eeoc.gov/eeoc/foia/index.cfm>.